



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,688	09/22/2003	Javier F. Delgado	MS302387.1/6001.268US01	9384
7590 Homer Knearl Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER KANG, INSUN	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 12/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/667,688	Applicant(s) DELGADO ET AL.	
	Examiner Insun Kang	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/22/2007, 10/10/2007, and 9/26/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1,2,10-14,16,18-20,22-24,26-28,30-32,36,38-40,42,44-53,55-58,60,62-66,68-70 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1,2,10-14,16,18-20,22-24,26-28,30-32,36,38-40,42,44-53,55-58,60,62-66 and 68-70 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/10/2007, and 9/26/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 10/22/2007, 10/10/2007, and 9/26/2007.
2. As per applicant's request, claims 3-9, 15, 17, 21, 25, 29, 33-35, 37, 41, 43, 54, 59, 61, and 67 have been cancelled. Claims 1, 2, 10-14, 16, 18-20, 22-24, 26-28, 30-32, 36, 38-40, 42, 44-53, 55-58, 60, 62-66, and 68-70 are pending in the application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the computer" in line 6 and "the operation" in line 5. There is insufficient antecedent basis for these limitations in the claim. As per claim 2, this claim is rejected for dependency on the above rejected parent claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 10-14, 16, 18-20, 22, 23, 26-28, 30-32, 36, 38-40, 42, 44-53, 55-58, 60, 62-66, and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hargrove et al. (US PG.Pub. 2003/0037325) hereafter Hargrove in view of Casement (US PG.Pub. 20040225664).

Per claim 1:

Hargrove discloses:

- encoding two or more storage media with computer code, wherein each storage medium is encoded with the same computer code, the computer code including (i.e. 0001, page 1):
 - a first portion that is used during the operation the software products after installation on the computer (i.e. page 1, 0010);
 - a plurality of different second portions, each different second portion associated with a different one of the plurality of software products and used during the operation of only its associated different one of the software products (i.e. page 3, 0030).

Hargrove discloses the INF file within the installation data but does not explicitly teach at least one lookup table associating each different one of the software products with a different product key and different branding information. However, Casement teaches that such lookup tables were known in the pertinent art, at the time applicant's invention was made, to distribute a correct product version by associating with a unique product identifier and branding information (i.e. 0051). It would have been obvious for one having ordinary skill in the art to modify Hargrove's disclosed system to incorporate the teachings of Casement. The

modification would be obvious because one having ordinary skill in the art would be motivated to identify each different product with a unique product identifier and branding information for a proper distribution as suggested by Casement (i.e. 0051).

Hargrove further discloses:

- packaging one of the two or more storage media in a distribution package, wherein one the distribution package is associated with only one of the plurality of different software products and is marked with an associated product key and branding information; packaging another of the two or more storage media in a different distribution package, wherein the different distribution package is associated with a different one of the software products and is marked with a different associated product key and different branding information (i.e. 0021; 0025 which show that the different versions are packaged separately).

Per claim 2:

Hargrove further discloses:

- wherein each of the software products is a distinct version of a software application, each version having distinct runtime behaviors, or a distinct installation, or both(i.e. 0039).

Per claim 10:

Hargrove discloses:

- receiving a command from a user to install software on the computer (i.e. 0021);
- accessing a data storage disc with computer code necessary for installing a plurality of versions

of the software application on the computer including the first version, the computer code including (i.e. 0030; 0025);

- a primary portion that is used during the operation of each of the plurality of versions of the software application after installation on the computer (i.e. 0010);
- a plurality of different version-specific portions, each version-specific portion associated with a different version of the software application and used during the operation of only its associated different version (i.e. 0030); and

Hargrove discloses the INF file within the installation data but does not explicitly teach a lookup table in a file on the data storage disc, the lookup table identifying a different product key with each different version one of the software application on the data storage disc.

However, Casement teaches that such lookup tables were known in the pertinent art, at the time applicant's invention was made, to distribute a correct product version by associating with a unique product identifier and branding information (i.e. 0051). It would have been obvious for one having ordinary skill in the art to modify Hargrove's disclosed system to incorporate the teachings of Casement. The modification would be obvious because one having ordinary skill in the art would be motivated to identify each different product with a unique product identifier and branding information for a proper distribution as suggested by Casement (i.e. 0051).

Hargrove in view of Casement further discloses:

- requesting the product key information, wherein the product key information is located on packaging, and wherein each different version of the software application is packaged in unique packaging (i.e. 0021; 0025 which show that the different versions are packaged separately);
- receiving the product key information, the product key information identifying the first

version; and installing the primary portion of computer code and only the version-specific portion of computer code associated with the first version, wherein the version-specific portion of computer code is associated with the first version by the lookup table (i.e. 0028;0029).

Per claim 11:

Hargrove further discloses:

- accessing at least two of the plurality of data storage discs (i.e. see Fig 2, plurality of discs).

Per claim 12:

Hargrove further discloses:

- each different version of the software application has distinct runtime behaviors and distinct installation behaviors (i.e. 0010).

Per claim 13:

Hargrove further discloses:

- receiving a command to execute an installer stored on the data storage disc; and executing the installer (i.e. 0028).

Per claim 14:

Casement further disclose:

- receiving input of the product key information; decrypting the product key information; and extracting information from the decrypted product key information that identifies the first

version (i.e. 0051; 0058).

Per claim 16:

Casement further disclose:

-validating a digital signature contained in the product key; and installing the first version only if the digital signature can be validated (i.e. 0051; 0058).

Per claim 18:

Hargrove further discloses:

-writing data to a registry maintained on the computer, wherein the data is specific to the first version (i.e. 0030).

Per claim 19:

Hargrove discloses:

-storing, on at least one of a plurality of storage media, identical copies of computer code, each copy including: a common portion of computer code required to install and execute all of the plurality of software products; a plurality of second portions of computer code each required to install and execute a different one of the plurality of software products, wherein each different software product has a distinct set of installation and runtime behaviors(i.e. 0030; 0025).

Hargrove discloses the INF file within the installation data but does not explicitly teach a lookup table that associates each different software product with a different product code, a distinct set of installation and runtime behaviors, and different entitlement information.

However, Casement teaches that such lookup tables were known in the pertinent art, at the time applicant's invention was made, to distribute a correct product version by associating with a unique product identifier and entitlement information (i.e. 0051). It would have been obvious for one having ordinary skill in the art to modify Hargrove's disclosed system to incorporate the teachings of Casement. The modification would be obvious because one having ordinary skill in the art would be motivated to identify each different product with a unique product identifier and entitlement information for a proper distribution as suggested by Casement (i.e. 0051).

Hargrove in view of Casement further discloses:

- providing consumers access to an installer that, upon receipt of entitlement information, will install the common portion of computer code and a second portion of computer code associated only with a software product identified by the entitlement information, wherein the lookup table associates the second portion of computer code with the software product identified by the entitlement information; and distributing at least one of the plurality of storage media to each consumer (i.e. 0028; 0029).

Per claim 20:

Hargrove further discloses:

- providing consumers access to the installer by storing the installer on each of the plurality of storage media (i.e. see Fig 2, plurality of discs).

Per claim 22:

Hargrove further discloses:

- providing a first consumer with entitlement information associated with a first software product (i.e. 0028; 0029).

Per claim 23:

Hargrove further discloses packaging different product versions but does not explicitly teach packaging at least some of the storage media in distribution packages having markings that indicate that the storage media in the distribution packages contains only a first software product. However, it would have been obvious for one having ordinary skill in the art to modify Hargrove's disclosed system to mark to indicate that the storage media in the distribution packages contains only a first software product for identification, if desired.

Hargrove further discloses:

- providing a first product key with the distribution packages of each of the at least some storage media, each first product key associated with the first software product indicated on the packaging; packaging at least some of the storage media in other distribution packages having markings that indicate that the storage media in the distribution packages contains only a second software product; and providing a second product key with the other distribution packages, the second product key associated with the second software product indicated on the packaging (i.e. 0028; 0029).

Per claim 26:

Hargrove further discloses: the lookup table identifies a distinct user interface to be displayed by each different software product during runtime (i.e. 0002).

Per claim 27:

Casement further disclose:

- the lookup table identifies distinct end user license agreements that include the rights of the end user of each different software product (i.e. 0051; 0058).

Per claim 28:

Hargrove further discloses:

- wherein the lookup table identifies distinct installation procedures to be followed during installation of each different software product (i.e. 0035).

Per claim 30:

Hargrove discloses a different version of the software application, wherein each different version of the software application has distinct runtime behaviors and distinct installation characteristics (i.e. 0028; 0029).

Hargrove discloses the INF file within the installation data but does not explicitly teach associating a distinct product key with each different version of the software application.

However, Casement teaches that it were known in the pertinent art, at the time applicant's invention was made, to distribute a correct product version by associating with a unique product identifier (i.e. 0051). It would have been obvious for one having ordinary skill in the art to modify Hargrove's disclosed system to incorporate the teachings of Casement. The modification would be obvious because one having ordinary skill in the art would be motivated to identify

each different product with a unique product identifier for a proper distribution as suggested by Casement (i.e. 0051).

Hargrove in view of Casement further discloses:

-creating a plurality of storage media, each including identical copies of computer code, each copy including: a version-specific portion of computer code required to install each different version of the software application; a common portion of the computer code necessary to install all of the plurality of versions of the software application (i.e. 0028; 0029).

Casement further discloses a lookup table that associates the distinct product key with the distinct runtime behaviors and the distinct installation characteristics for each different version of the software application (i.e. 0051).

Hargrove in view of Casement further discloses:

- packaging at least one of the plurality of storage media in at least one of a plurality of different distribution packages, wherein each distribution package is associated with only one of the different versions of the software application (i.e. 0028; 0029).

Hargrove discloses the INF file within the installation data but does not explicitly teach at least one lookup table associating each different one of the software products with a different product key and different branding information. However, Casement teaches that such lookup tables were known in the pertinent art, at the time applicant's invention was made, to distribute a correct product version by associating with a unique product identifier and branding information (i.e. 0051). It would have been obvious for one having ordinary skill in the art to modify Hargrove's disclosed system to incorporate the teachings of Casement. The modification would be obvious because one having ordinary skill in the art would be motivated

to identify each different product with a unique product identifier and branding information for a proper distribution as suggested by Casement (i.e. 0051).

Hargrove in view of Casement further discloses:

- packaging at least one other of the plurality of storage media in at least one other different distribution package, wherein the at least one other different distribution package is associated with one other different version of the software application and is marked with other associated product key information and different branding information (i.e. 0028; 0029);
- providing an installer that, upon receipt of the distinct product key, will install the common portion of the computer code and the version-specific portion of computer code associated only with that version of the software application associated with the distinct product key, wherein the lookup table associates the version-specific portion of computer code with each different version of the software application based on the distinct product key; and distributing at least one of the plurality of storage media to each consumer (i.e. 0021; 0025).

Per claim 31:

Hargrove further discloses:

- the plurality of storage media comprises sets of one or more storage discs (i.e. see Fig 2, plurality of discs).

Per claim 32:

Application/Control Number:
10/667,688
Art Unit: 2193

Page 13

Casement further discloses:

- providing the distinct product key to each consumer (i.e. 0051).

Per claim 36:

Hargrove further discloses:

- storing the installer on the plurality of storage media with the computer code (i.e. 0021; 0025).

Per claim 38:

Hargrove further discloses:

- the lookup table identifies distinct text to be displayed by each different version of the software application during runtime (i.e. 0002).

Per claim 39:

Casement further discloses:

- wherein the lookup table identifies distinct end user license agreements that dictate the rights of an end user of each different version of the software application (i.e. 0051;0058).

Per claim 40, it is another method version of claim 28, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 28 above.

Per claim 42:

Hargrove discloses:

-computer code necessary to install any version of a software application including a first portion of computer code that is necessary to install all of the versions of the software application and a plurality of second portions, each second portion necessary to install a distinct one of the versions of the software application (i.e. 0030; 0025).

Hargrove discloses the INF file within the installation data but does not explicitly teach a file containing a lookup table that associates each version of the software application with a different product key. However, Casement teaches that such lookup tables were known in the pertinent art, at the time applicant's invention was made, to distribute a correct product version by associating with a unique product identifier (i.e. 0051). It would have been obvious for one having ordinary skill in the art to modify Hargrove's disclosed system to incorporate the teachings of Casement. The modification would be obvious because one having ordinary skill in the art would be motivated to identify each different product with a unique product identifier for a proper distribution as suggested by Casement (i.e. 0051).

Hargrove in view of Casement further discloses:
wherein each version of the software application is packaged in different packaging, and wherein the different product key is located on the different packaging; and an installer that, when executed by a computer, requests the product key and installs one of the versions of the software application based on the product key given in response to the request (i.e. 0028; 0029).

Per claim 44:

Casement further discloses: wherein the at least one lookup table identifies each version of the

software application as a distinct set of behaviors of the software application (i.e. 0051).

Per claim 45:

Casement further discloses lookup table comprises:

a SKU table that associates each product key with a brand in a branding table and a map in a mapping table; the mapping table that associates each map with an end-user license agreement (EULA) identifier; the branding table that associates each brand with distinct text to be used during installation or runtime of the software product; and an EULA table associating each EULA identifier with an EULA (i.e. 005;0058).

Per claim 46:

Hargrove further discloses:

-the product key associated with one of the plurality of versions of the software application (i.e. 0028; 0029).

Per claim 47:

Hargrove does not explicitly disclose indicating that only a first version of the software application is contained in the packaging on the computer storage media. However, it would have been obvious for one having ordinary skill in the art to modify Hargrove's disclosed system to mark to indicate that the storage media in the distribution packages contains only a first version of the software product for identification, if desired.

Per claim 48:

Hargrove further discloses:

- the packaging includes the product key specific to the first version of the software application (i.e. 0028; 0029).

Per claim 58:

Hargrove discloses:

- receiving a command from a user to install software on the computer (i.e. 0021);
- accessing a data storage disc having computer code comprising: a version-specific portion necessary for installing each version of the software application on the computer including the first version, a primary portion that is used during the operation of all of the plurality of versions of the software application after installation on the computer, and(i.e. 0030; 0025).

Hargrove discloses the INF file within the installation data but does not explicitly teach a SKU file containing encoded licenses and behavior information for each of the of versions, wherein the SKU file includes a lookup table, and wherein the lookup table identifies a different product key with each of the versions of the software application. However, Casement teaches that such a SKU file was known in the pertinent art, at the time applicant's invention was made, to distribute a correct product version by associating with unique product identifiers (i.e. 0051). It would have been obvious for one having ordinary skill in the art to modify Hargrove's disclosed system to incorporate the teachings of Casement. The modification would be obvious

because one having ordinary skill in the art would be motivated to identify each different product with a unique product identifier for a proper distribution as suggested by Casement (i.e. 0051).

Hargrove in view of Casement further discloses:

- requesting the product key information; receiving the product key information, the product key information identifying the first version; installing the primary portion of computer code and the SKU file; and installing the version-specific portion associated with the first version, wherein the SKU file enables the proper license and behavior information for the first version (i.e. 0028;0029).

Per claim 60:

Hargrove in view of Casement further discloses:

- decoding a first license for the first version of the software product from the SKU file to create a decoded license; and copying the decoded license for the first version of the software product application to a license store on the computer (i.e. 0028;0029).

Per claim 62:

Casement further discloses the branding text stored in the SKU file (i.e. 0051). Hargrove further discloses: enabling branding text for the first version to be displayed during runtime (i.e. 0002).

Per claim 63:

Hargrove further discloses:

- accessing at least two of the plurality of data storage discs (i.e. fig 2).

Per claims 64-66, 68, and 70, they are another method versions of claims 12-14, 16, and 18, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 12-14, 16, and 18 above.

Per claim 69:

Hargrove further discloses:

-copying only the computer code from the SKU file necessary to install the first version from the data storage disc to the computer (i.e. 0028;0029).

Per claims 49-53 and 55-57, they are storage media versions of claims 58, 60, 62-66, and 68-70, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 58, 60, 62-66, and 68-70 above.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hargrove et al. (US PG.Pub. 2003/0037325) hereafter Hargrove, in view of Casement (US PG.Pub. 20040225664), and further in view of Weisman (US pg.pub.2003/0028870).

Per claim 24:

Hargrove and Casement do not explicitly disclose a network installation having an installer on the server. However, Weisman discloses distributing software along with installer

over a network was known in the pertinent art, at the time applicant's invention was made, to provide a fast and convenient software distribution (i.e. "Software can also be distributed by making the software available for download over a network," 0006; "downloads an installer 803 from the server computer," 0064). It would have been obvious for one having ordinary skill in the art to modify Hargrove and Casement's disclosed system to incorporate the teachings of Weisman. The modification would be obvious because one having ordinary skill in the art would be motivated to distribute software over network for fast delivery as suggested by Weisman (i.e. 0006; 0064).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 10, 19, 30, 42, 49, and 58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Application/Control Number:
10/667,688
Art Unit: 2193

Page 20


however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 8:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IK
AU 2193


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100